

Senate Bill 158

By: Senators Whitehead, Sr. of the 24th, Chapman of the 3rd, Grant of the 25th, Seabaugh of the 28th, Chance of the 16th and others

AS PASSED**AN ACT**

To amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to provide for the comprehensive revision of provisions regarding state property; to provide for consolidation and effective management of the rental of administrative space and the acquisition, use, and disposition of real property by the state and state authorities; to repeal Article 2 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, the "State Space Management Act of 1976"; to provide for the transfer of powers, duties, and responsibilities of the commissioner of administrative services and the Department of Administrative Services regarding space management to the State Properties Commission; to change certain provisions relating to projects, composition, administrative assignment, powers, and duties of the Georgia Building Authority; to repeal Article 6 of Chapter 9 of Title 50 of the Official Code of Georgia Annotated, relating to inventory of state buildings; to change certain provisions regarding the composition, powers, duties, authority, and administrative assignment of the State Properties Commission; to provide for the transfer to the State Properties Commission of certain assets, contracts, leases, agreements, obligations, funds, and personnel of the commissioner of administrative services and the Department of Administrative Services; to provide for a state property officer and the powers, duties, and authority of such officer; to provide for powers, duties, and authority of the State Properties Commission with respect to inventory and management of administrative space; to provide for duties and responsibilities of state entities with respect to information compilation regarding state facilities; to amend Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations, so as to repeal certain provisions regarding the lease of property; to amend Code Section 50-16-43 of the Official Code of Georgia Annotated, relating to leasing of state owned lands, so as to change a cross-reference; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by striking Article 2 of Chapter 5, the "State Space Management Act of 1976," and inserting in its place a new Article 2 to read as follows:

ARTICLE 2

50-5-30.

Reserved.

SECTION 2.

Said title is further amended by striking paragraph (4) of Code Section 50-9-2, relating to definitions with respect to the Georgia Building Authority, and inserting in its place a new paragraph (4) to read as follows:

(4) 'Project' means and includes one or a combination of two or more of the following: buildings and facilities intended for use as offices and related uses and all structures, including electric, gas, steam, and water utilities and facilities of every kind and character deemed by the authority necessary or convenient for the efficient operation of any department, board, commission, or agency of the state. Without limiting the foregoing and without further determination of necessity or convenience, the word 'project' also means and includes public parks and public parking facilities adjacent to the state capitol other than the facilities within or connected to state owned or state leased buildings; a parking facility on the 'Old Incinerator' site acquired in 1983 by the State of Georgia from the City of Atlanta in Fulton County, Georgia; an executive mansion and buildings, structures, and facilities of every kind and character for use in conjunction with the mansion regardless of whether the buildings, structures, and facilities are physically connected with such mansion; and a Department of Transportation laboratory and buildings, structures, and facilities of every kind and character for use in conjunction with the laboratory, regardless of whether the buildings, structures, and facilities are physically connected with the laboratory, provided that the buildings, structures, and facilities are built and constructed on property owned by the Department of Transportation at Forest Park, Georgia.

SECTION 3.

Said title is further amended by striking Code Section 50-9-3, relating to the creation of the Georgia Building Authority, and inserting in its place a new Code Section 50-9-3 to read as follows:

50-9-3.

There is created a body corporate and politic to be known as the Georgia Building Authority which shall be deemed to be an instrumentality of the state and a public corporation, and by that name, style, and title the body may contract and be contracted with, implead and be impleaded, and bring and defend actions in all courts. The authority shall consist of the the same persons who comprise the State Properties Commission. Each member shall serve under the same terms and conditions as provided for in Code Section 50-16-32. The state property officer appointed by the Governor pursuant to Code Section 50-16-35 shall serve as executive director of the authority. The authority shall make rules and regulations for its own government. It shall have perpetual existence. Any change in name or composition of the authority shall in no way affect the vested rights of any person under this article and Article 2 of this chapter nor impair the obligations of any contracts existing under this article and Article 2 of this chapter.

SECTION 4.

Said title is further amended by striking Code Section 50-9-4, relating to the assignment of the Georgia Building Authority for administrative purposes, and inserting in its place a new Code Section 50-9-4 to read as follows:

50-9-4.

The authority is assigned to the State Properties Commission for administrative purposes only as prescribed in Code Section 50-4-3.

SECTION 5.

Said title is further amended by striking Code Section 50-9-5, relating to the general powers of the Georgia Building Authority, and inserting in its place a new Code Section 50-9-5 to read as follows:

50-9-5.

The authority shall have the powers:

- (1) To have a seal and alter the same at pleasure;
- (2) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and personal property of every kind and character for its corporate purposes;

(3) To acquire in its own name by purchase, on such terms and conditions and in such manner as it may deem proper, or by condemnation, in accordance with any and all laws applicable to the condemnation of property for public use, real property or rights of easements therein or franchises necessary or convenient for its corporate purposes and to use the same so long as its corporate existence shall continue and to lease or make contracts with respect to the use of or disposal of the same in any manner it deems to the best advantage of the authority, the authority being under no obligation to accept and pay for any property condemned under this chapter except from the funds provided under the authority of this chapter; and in any proceedings to condemn, such orders may be made by the court having jurisdiction of the action or proceeding as may be just to the authority and to the owners of the property to be condemned. No property shall be acquired under this chapter upon which any lien or other encumbrance exists unless at the time such property is so acquired a sufficient sum of money is deposited in trust to pay and redeem the fair value of the lien or encumbrance; and if the authority shall deem it expedient to construct any project on lands which are a part of the real estate holdings of the state, the Governor is authorized to execute for and on behalf of the state a lease of the lands to the authority for such parcel or parcels as shall be needed for a period not to exceed 50 years. If the authority shall deem it expedient to construct any project on any other lands the title to which shall then be in the state, the Governor is authorized to convey, for and in behalf of the state, title to such lands to the authority;

(4) To appoint and select officers, agents, and employees, including engineering, architectural, and construction experts, fiscal agents, and attorneys, and fix their compensation and to serve as financial adviser and agent to other state authorities;

(5) To make contracts and leases and to execute all instruments necessary or convenient, including contracts for construction of projects and leases of projects or contracts with respect to the use of projects which it causes to be erected or acquired; and any and all political subdivisions, departments, institutions, or agencies of the state are authorized to enter into contracts, leases, or agreements with the authority upon such terms and for such purposes as they deem advisable. Without limiting the generality of the above, authority is specifically granted to any department, board, commission, agency, or appellate court of the state to enter into contracts and lease agreements for the use or concerning the use of any structure, building, or facilities or a combination of any two or more structures, buildings, or facilities of the authority for a term not exceeding 50 years; and any department, board, commission, or agency of the state may obligate itself to pay an agreed sum for the use of the property so leased and also to obligate itself as

part of the lease contract to pay the cost of maintaining, repairing, and operating the property leased from the authority;

(6) To construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve, equip, operate, and manage projects, as defined in Code Section 50-9-2, to be located on property owned by or leased by the authority, the cost of any such project to be paid in whole or in part from the proceeds of revenue bonds of the authority or from such proceeds and any grant from the United States or any agency or instrumentality thereof;

(7) To accept loans or grants of money or materials or property of any kind from the United States or any agency or instrumentality thereof upon such terms and conditions as the United States or the agency or instrumentality may impose;

(8) To borrow money for any of its corporate purposes and to issue negotiable revenue bonds payable solely from funds pledged for that purpose and to provide for the payment of the same and for the rights of the holders thereof;

(9) To exercise any power usually possessed by private corporations performing similar functions, which is not in conflict with the Constitution and laws of this state; and

(10) To do all things necessary or convenient to carry out the powers expressly given in this chapter.

SECTION 6.

Said title is further amended by repealing in its entirety Article 6 of Chapter 9, relating to the inventory of state buildings which reads as follows:

ARTICLE 6

50-9-110.

As used in this article, the term:

(1) 'Authority' means the Georgia Building Authority.

(2) 'State' means the State of Georgia and any of its offices, agencies, authorities, departments, commissions, boards, divisions, instrumentalities, and institutions but does not include counties, municipalities, school districts, other units of local government, hospital authorities, or housing and other local authorities.

(3) 'State building' means a building owned by the state or under the custody or control of the state or insured by the program of self-insurance established under Code Sections 50-16-8 through 50-16-11.

(4) 'State entity' means either of the entities listed in paragraph (2) of this subsection.

50-9-111.

(a) Beginning July 1, 1999, each state entity shall compile information on all state buildings under the custody or control of such state entity necessary for the compilation of an inventory of all state owned or leased buildings; provided, however, that all improvements acquired for public works that will ultimately be disposed of are excluded from the requirements of this article. On or before October 1, 1999, and as changes occur, but by no later than such date annually, each state entity shall send such information to the authority. The authority shall compile the information in an electronic format and produce a report to the chairperson of the State Institutions and Property Committee of the Georgia House of Representatives and to the chairperson of the Finance and Public Utilities Committee of the Georgia Senate.

(b) The inventory shall be accomplished by the completion of a form for each state building under the custody or control of such state entity. The form shall be designed and promulgated by the authority.

(c) The inventory required by subsection (a) of this Code section shall include, as a minimum, the following:

- (1) The name of the building or another description identifying the building;
- (2) The location of the building;
- (3) The name of the building manager or, in the case of a state building which is leased to a tenant who is responsible for the operation of the building, the tenant or the tenant's building manager;
- (4) The square footage of the building;
- (5) Information as to whether such building is currently in use by the state entity or is being leased to a private tenant by such state entity;
- (6) The nature of the use of the building at the time inventory is made;
- (7) Estimation of the building's fair market value or replacement value at the time inventory is made, and if the building is leased to a private tenant who is responsible for the operation of the building, an estimation of the fair market value of the building at the time the lease agreement was executed;
- (8) Information on major building components, such as electrical, mechanical, structural, roof, elevators, escalators, underground storage tanks, emergency generators, boilers, and life safety systems, and their estimated expected life;
- (9) Information on the age of the building and its historic significance, if any;
- (10) Information on the accessibility of the building and grounds;
- (11) Information on energy consumption and utility connections and usage; and

(12) Other information required by the authority, the chairperson of the State Institutions and Property Committee of the Georgia House of Representatives, or the chairperson of the Finance and Public Utilities Committee of the Georgia Senate.

SECTION 7.

Said title is further amended by adding a new paragraph immediately following paragraph (1) of Code Section 50-16-31, relating to the definitions regarding the State Properties Code, to be designated paragraph (1.1), to read as follows:

(1.1) 'Administrative space' means any space, whether existing or to be constructed, that is required by a state entity for office, storage, or special purposes and that is required for the core mission of such state entity. In order to be required, the space must be necessary for and utilized in either:

- (A) The performance of the duties that the state entity is obligated by law to perform;
- or
- (B) The delivery of the services that the state entity is authorized or required by law to provide.

SECTION 8.

Said title is further amended by adding a new paragraph immediately following paragraph (3) of Code Section 50-16-31, relating to the definitions regarding the State Properties Code, to be designated paragraph (3.1), to read as follows:

(3.1) 'Entities' or 'entity' means any and all constitutional offices, as well as all authorities, departments, divisions, boards, bureaus, commissions, agencies, instrumentalities, or institutions of the state.

SECTION 9.

Said title is further amended by striking Code Section 50-16-32, relating to creation, membership, and organization of the State Properties Commission, and inserting in its place a new Code Section 50-16-32, to read as follows:

50-16-32.

- (a) There is created within the executive branch of state government a public body which shall be known as the State Properties Commission and which shall consist of seven members and be composed of the Governor; the Secretary of State; the state accounting officer; one citizen appointed by the Governor for terms ending on April 1 in each odd-numbered year; the director of the Office of Treasury and Fiscal Services; one citizen

appointed by the Speaker of the House of Representatives for terms ending on April 1 in each odd-numbered year; and one citizen appointed by the Lieutenant Governor for terms ending on April 1 in each odd-numbered year. The term of office of the appointed members of the commission is continued until their successors are duly appointed and qualified. The Lieutenant Governor may serve as an appointed citizen member.

(b) The Governor shall be the chairperson of the commission, the state accounting officer shall be its vice chairperson, and the Secretary of State shall be its secretary. Four members of the commission shall constitute a quorum. No vacancy on the commission shall impair the right of the quorum to exercise the powers and perform the duties of the commission. With the sole exception of acquisitions of real property, which acquisitions shall require four affirmative votes of the membership of the commission present and voting at any meeting, the business, powers, and duties of the commission may be transacted, exercised, and performed by a majority vote of the commission members present and voting at a meeting when more than a quorum is present and voting or by a majority vote of a quorum when only a quorum is present and voting at a meeting. An abstention in voting shall be considered as that member not being present and not voting in the matter on which the vote is taken. No person may be appointed, elected, or serve on the commission who is a member of the legislative or judicial branch of government. In the event any ex officio member is determined to be in either the legislative or judicial branch of government, the General Assembly declares that it would have passed this article without such ex officio position on the commission and would have reduced the quorum and vote required of the commission on all actions accordingly.

(c) Meetings shall be held on the call of the chairperson, vice chairperson, or two commission members whenever necessary to the performance of the duties of the commission. Minutes or transcripts shall be kept of all meetings of the commission and in the minutes or transcripts there shall be kept a record of the vote of each commission member on all questions, acquisitions, transactions, and all other matters coming before the commission. The secretary shall give or cause to be given to each commission member, not less than three days prior to the meeting, written notice of the date, time, and place of each meeting of the commission.

(d) The commission shall adopt a seal for its use and may adopt bylaws for its internal government and procedures.

(e) Members of the commission who are also state officials shall receive only their traveling and other actual expenses incurred in the performance of their official duties as commission members. Citizen members shall receive the same expense allowance per day

as that received by a member of the General Assembly for each day any such member of the commission is in attendance at a meeting or carrying out official duties of the commission inside or outside the state, plus reimbursement for actual transportation costs while traveling by public carrier or the legal mileage rate for the use of a personal automobile inside or outside the state while attending meetings or carrying out their official duties as members of the commission.

(f) The commission shall receive all assets of and the commission shall be responsible for any contracts, leases, agreements, or other obligations of the Department of Administrative Services under the former provisions of Article 2 of Chapter 5 of this title, the 'State Space Management Act of 1976.' The commission is substituted as a party to any such contract, agreement, lease, or other obligation and the same responsibilities respecting such matters as if it had been the original party and is entitled to all prerogatives, benefits, and rights of enforcement by the commissioner of administrative services and Department of Administrative Services. Appropriations and other funds of the Department of Administrative Services encumbered, required, or held for functions transferred to the commission shall be transferred to the commission as provided for in Code Section 45-12-90, relating to disposition of appropriations for duties, purposes, and objects which have been transferred. Personnel, equipment, and facilities previously employed by the Department of Administrative Services for such transferred functions shall likewise be transferred to the commission. Upon the effective date of this Code section, all personnel positions authorized by the Department of Administrative Services in fiscal year 2006 for such functions shall be transferred to the commission, and all employees of the department whose positions are transferred by the Department of Administrative Services to the commission shall become employees of the commission in the unclassified service as defined by Code Section 45-20-6.

SECTION 10.

Said title is further amended by striking Code Section 50-16-33, relating to assignment of the State Properties Commission to the Department of Administrative Services, and inserting in its place a new Code Section 50-16-33 to read as follows:

50-16-33.

Reserved.

SECTION 11.

Said title is further amended the striking paragraph (17) of Code Section 50-16-34, relating to the providing or performing of acquisition related services to or for state agencies, state authorities, and other instrumentalities of the state, and inserting in its place a new paragraph (17) of Code Section 50-16-34 to read as follows:

- (17) Provide or perform acquisition related services to or for all state entities.

SECTION 12.

Said title is further amended by striking subsection (a) of Code Section 50-16-35, relating to the employment of personnel by the State Properties Commission and the authority and duties of the executive director, and inserting in its place a new subsection (a) to read as follows:

(a)(1) The Governor shall appoint a state property officer who shall serve as the executive director of the commission. The state property officer shall:

- (A) Advise the Governor on opportunities to achieve the goal of state-wide real property management;
- (B) Develop policies and procedures for state-wide real property management;
- (C) Maintain a state-wide real property management system that has consolidated real property, building, and lease information for state entities;
- (D) Develop and maintain a centralized repository of comprehensive space needs for all state entities including up-to-date space and resource utilization, anticipated needs, and recommended options;
- (E) With the advice and counsel of state entities, board members, and industry groups, provide state-wide policy leadership, recommending legislative, policy, and other similar changes and coordinating master planning to guide and organize capital asset management;
- (F) As needed, secure portfolio management expertise to accomplish the desired policy outcomes;
- (G) Seek the cooperation of all state entities to increase the effectiveness of the portfolio management approach; and
- (H) Provide assistance to all entities in achieving space and real property reporting requirements, in accordance with state law, in the acquisition and disposition of real property and leases, and in evaluating compliance and operational practices.

(2) The commission is authorized to employ such other employees, on either a full-time or part-time basis, as may be necessary to discharge the duties of the commission. The

executive director shall supervise and conduct the activities of the commission under the commission's direction. Unless the commission or chairperson otherwise directs, the executive director may execute and attest on behalf of the commission any instrument in furtherance of an activity authorized by the commission. Unless the commission, chairperson, or secretary otherwise instructs, the executive director may report the minutes of the commission, keep and affix its seal, attest its instruments, and keep and certify its records.

SECTION 13.

Said title is further amended by striking Code Section 50-16-38, relating to the acquisition by all state agencies of real property through the State Properties Commission, the procedure for handling acquisition requests, and funds for acquisitions, and inserting in its place a new Code Section 50-16-38, to read as follows:

50-16-38.

(a) Except for all acquisitions of real property by the Department of Transportation and the Board of Regents of the University System of Georgia, and except for the Department of Natural Resources acquiring by gift parcels of real property, not exceeding three acres each, to be used for the construction and operation thereon of boat-launching ramps, and except for acquisitions of real property by the Department of Technical and Adult Education in connection with student live work projects funded through moneys generated as a result of the sale of such projects, donations, or student supply fees, and except for acquisitions of real property by the commission resulting from transfers of custody and control of real property to the commission by executive order of the Governor or by Act or resolution of the General Assembly, and except as otherwise provided by law, and except as otherwise required by the nature of the transaction conveying real property to the state or any entity thereof:

(1) All state entities shall acquire real property through the commission; and

(2) The title to all real property acquired shall be in the name of the state, except for state authorities which shall hold title in their own name. The conveyance shall have written or printed in the upper right-hand corner of the initial page thereof the name of the state entity for which acquired who is the custodian thereof.

(b) The commission is authorized to establish, and amend when the commission deems it necessary, a procedure to facilitate the handling by the commission of requests for acquisition of real property.

(c) The state entity requesting acquisition of real property shall provide all of the funds necessary to acquire the real property.

SECTION 14.

Said title is further amended by striking Code Section 50-16-41, relating to rental agreements without competitive bidding authorized and limitations, and inserting in its place a new Code Section 50-16-41, to read as follows:

50-16-41.

(a) Notwithstanding any provisions and requirements of law to the contrary and particularly notwithstanding the requirements of Code Section 50-16-39, the commission is authorized to negotiate, prepare, and enter into in its own name rental agreements whereby a part of the property is rented, without public competitive bidding, to a person for a length of time not to exceed one year and for adequate monetary consideration (in no instance to be less than a rate of \$250.00 per year), which shall be determined by the commission, and pursuant to such terms and conditions as the commission shall determine to be in the best interest of the state. The same property or any part thereof shall not be the subject matter of more than one such rental agreement to the same person unless the commission shall determine that there are extenuating circumstances present which would make additional one-year rental agreements beneficial to the state; provided, however, the same property or any part thereof shall not after April 24, 1975, be the subject matter of more than a total of three such one-year rental agreements to the same person.

(b) The commission is given the authority and charged with the duty of managing the utilization of administrative space by all state entities, except that the Board of Regents of the University System of Georgia and the Georgia Department of Labor may manage their own space but only for leases that are within the State of Georgia and required for their core mission. The commission shall manage in a manner that is the most cost efficient and operationally effective and which provides decentralization of state government. Such management shall include the authority to assign and reassign administrative space to state entities based on the needs of the entities as determined by standards for administrative space utilization promulgated by the commission pursuant to subsection (g) of this Code section and shall include the obligation to advise the Office of Planning and Budget and state entities of cost-effective, decentralized alternatives.

(c) The management of the utilization of administrative space by the commission shall include entering into any necessary agreements to rent or lease administrative space, whether existing or to be constructed, and shall include administrative space rented or

leased by a state entity from the Georgia Building Authority or from any other public or private person, firm, or corporation. When it becomes necessary to rent or lease administrative space, the space shall be rented or leased by the commission and assigned to the state entity or entities requiring the space.

(d) If the commission reassigns all or any portion of any administrative space which is leased or rented by one state entity to another state entity, the state entity to which the administrative space is reassigned shall pay to the commission rental charges, as determined by the commission, for the utilization of the space; and the commission shall, in turn, use the rental charges so paid for the purpose of paying or partially paying, as the case may be, the rent or lease payments due the lessor of the administrative space in accordance with the terms of the lease or rent contract existing at the time of the reassignment of the administrative space. Any such payments to a lessor by the commission shall be on behalf of the state entity which is the lessee of the administrative space reassigned as provided in this Code section.

(e) The management of the utilization of administrative space given to the commission by this Code section shall not be construed to impair the obligation of any contract executed before July 1, 1976, between any state entity and the Georgia Building Authority or between any state entity and any other public or private person, firm, or corporation; and the powers given to the commission by this Code section shall not be implemented or carried out in such a manner as to impair the obligation of any such contract.

(f) The commission is authorized and directed to develop and promulgate standards governing the utilization of administrative space by all state entities which require emphasis on cost effectiveness and decentralization. The standards shall be uniformly applied to all state entities except as otherwise provided by subsection (g) of this Code section, but the standards shall recognize and provide for different types of administrative space required by the various state entities and the different types of administrative space that may be required by a single state entity.

(g) The commission shall be authorized to reassign administrative space to the various state entities in order to bring the utilization of administrative space into conformity with the standards promulgated under subsection (f) of this Code section. Any additional administrative space required by a state entity shall be approved by and obtained through the commission. The commission shall be authorized to grant exceptions to the standards governing the utilization of administrative space when the reassignment of such space would involve unnecessary expenses or the disruption of services being provided by a state entity. The commission shall adopt and promulgate rules and regulations governing the

granting of such exceptions, and the rules and regulations shall be uniformly applied by the commission to all state entities requesting an exception to the standards.

(h) For purposes of cost effectiveness and decentralization, the following factors, among other factors, shall be considered:

(1) Dual location of programs within a city should be considered in order to take advantage of possible economies of scale and as a matter of convenience to the general public; or

(2) When all factors are reasonably equivalent, preferences will be given to location of state government programs and facilities in those counties which are determined by the Department of Community Affairs to be the most economically depressed, meaning those 71 tier 1 counties of the state designated as least developed under paragraph (2) of Code Section 48-7-40.

(i) The commission is authorized and directed to promulgate rules and regulations governing budgetary requirements for administrative space utilized by state entities in cooperation with the Office of Planning and Budget whereby the entities shall be accountable in the budgetary process for administrative space assigned to and utilized by them. The budgetary requirements may provide for the payment of rent to the commission by state entities or may otherwise provide procedures for the assessment of rent charges for administrative space utilized by state entities or any combination of the foregoing.

(j) In addition to the standards and rules and regulations specifically provided for by this Code section, the commission is authorized to adopt such other rules and regulations as may be required to carry out this Code section efficiently and effectively.

SECTION 15.

Said title is further amended by striking Part 1 of Article 6 of Chapter 16, relating to inventory of real property, and inserting in its place a new Part 1 to read as follows:

Part 1

50-16-120.

As used in this part, the term:

(1) 'Entities' or 'entity' means any and all constitutional offices, as well as all authorities, departments, divisions, boards, bureaus, commissions, agencies, instrumentalities, or institutions of the state.

(2) 'Real property' means any improved or unimproved real property owned by the state and under the jurisdiction of any state entity.

(3) 'State' means the State of Georgia and any of its offices, agencies, authorities, departments, commissions, boards, divisions, instrumentalities, and institutions but does not include counties, municipalities, school districts, other units of local government, hospital authorities, or housing and other local authorities.

(4) 'State facility' means a building owned by the state or under the custody or control of the state or insured by the program of self-insurance established under Code Sections 50-16-8 through 50-16-11.

(5) 'State lease' means a lease or rental agreement entered into by a state entity for a definite period of time for the use by a state entity of real property or facilities or a lease of state real property or state facilities by a state entity for use by another party.

50-16-121.

(a) All state entities are directed to maintain at all times a complete current inventory of real property under their jurisdiction. The inventory shall be accomplished by the completion of a form, substantially as follows, for each parcel of real property held by such departments and public corporations:

REAL PROPERTY INVENTORY

Date: _____

(Date form completed)

(1) State Entity: _____

(Board, bureau, commission, department, official, or other agency)

(2) Grantor: _____

(Exactly as it appears on instrument)

(3) Grantee: _____

(Exactly as it appears on instrument)

(4) Date of instrument: _____

(5) Acreage: _____

(6) Records, office of the clerk, Superior Court _____ County (a) Deed Book _____ Folio _____ (b) Plat or Map Book _____ Folio _____

(7) Location of property: County _____ City _____ Street address, if applicable, and if not, brief directions to property _____

(8) Type of instrument: (a) Warranty deed (), (b) Quitclaim deed (), (c) Eminent domain, deed executed (), (d) Trustee s deed (), (e) Administrator s or Executor s deed (), (f) Simple deed, no warranty (), (g) Lease (), (h) Use permit (), (i) Resolution of General Assembly (), (j) Deed of gift ().

(9) Kind of conveyance: (a) Fee simple (), (b) Other (), state terms and conditions _____

(10) If acquired by eminent domain by court order and no deed was executed: (a) Name of principal defendant _____, (b) Case number _____, (c) Date of final judgment _____

(11) Location of original deed _____

(12) Is property surplus? _____

(13) Purchase price of property _____

(14) Purchased with (a) State funds? _____, (b) Federal funds? _____ (Show percent state & federal)

(15) Estimated present value: (a) Land _____ (b) Improvements _____

(16) Insured for: \$_____ with _____ Ins. Co.

(17) Present use _____

Name of person completing form _____

Title _____ Signature _____

(b) The inventory required by subsection (a) of this Code section shall be maintained current at all times. It shall be the duty of each state entity to file a duplicate of the inventory with the State Properties Commission; and the State Properties Commission shall compile and index all such inventories into a single complete inventory of all real property, but the State Properties Commission shall maintain separate files on the property belonging to the public corporations. It shall be the further duty of each state entity to file with the State Properties Commission a duplicate of each form or other document, as provided in subsection (c) of this Code section, completed by such state entity in maintaining the inventory of the entity current; and the State Properties Commission shall utilize such forms or other documents to maintain the complete inventory of all real property current.

(c) The State Properties Commission is authorized to devise such forms or other documents as may be necessary to keep the complete inventory of real property current; and it shall be the duty of each state entity to utilize such forms and documents as directed by the State Properties Commission.

(d) The real property inventory form provided in subsection (a) of this Code section shall be completed for each parcel of real property acquired by each state entity. The form shall be completed within 30 days after the acquisition of any real property and a duplicate of same shall be forwarded to the State Properties Commission.

50-16-122.

(a) As used in this Code section, the term 'real property' means any real property owned by the state and under the custody of any state entity, except public road, street, and highway rights of way and other real property held by the Department of Transportation pursuant to Ga. L. 1919, p. 242, art. 5, Section 5, as amended by Ga. L. 1922, p. 176, Section 1; Ga. L. 1939, p. 188, Section 1; Ga. L. 1945, p. 258, Section 1; and Ga. L. 1953, Jan.-Feb. Sess., p. 421, Section 1.

(b) All real property, the ownership of which is either acquired or disposed of by the state or any state entity thereof after March 30, 1990, shall be subject to the following requirements:

(1) The original of any conveyance acquiring real property shall be filed in the office of the State Properties Commission within 30 days after being recorded in the office of the clerk of the superior court of the county or counties wherein the real property is located. When the conveyance is presented to the State Properties Commission for filing, it shall be accompanied by four copies of the recorded plat of the real property conveyed. The State Properties Commission shall index and affix both the commission's stamp and the assigned real property inventory number on the recorded original of the conveyance and all copies of the recorded plat and shall retain the recorded original of the conveyance and two copies of the recorded plat as a part of the permanent real property inventory records kept by such commission; but an exact copy of the recorded original of the conveyance shall be produced by the State Properties Commission and, along with a copy of the recorded plat, forwarded by such commission to the state entity acquiring the real property;

(2) When real property is acquired by eminent domain and is conveyed to the state by court order or judgment, following recording of the court order or judgment in the deed book records in the office of the clerk of the superior court of the county or counties wherein the real property is located, a certified copy of the recorded court order or judgment, along with four copies of the recorded plat of the real property conveyed, shall be filed in the office of the State Properties Commission. The State Properties Commission shall index and affix both the commission's stamp and the assigned real

property inventory number on the certified copy of the recorded court order or judgment and all copies of the recorded plat and shall retain the certified copy and two copies of the recorded plat as a part of the permanent real property inventory records kept by such commission; but an exact copy of the certified copy of the recorded court order or judgment shall be produced by the State Properties Commission and, along with a copy of the recorded plat, forwarded by such commission to the state entity acquiring the real property;

(3)(A) The original of any fully executed conveyance disposing of real property, except an Act or Resolution Act of the General Assembly, shall be filed in the office of the State Properties Commission before being delivered to the purchaser thereof for recording in the office of the clerk of the superior court of the county or counties wherein the real property is located. When the conveyance is presented to the State Properties Commission for filing, it shall be accompanied by four copies of the plat of the real property conveyed. Though it is encouraged, it is not required that the plat be either already recorded in or eligible to be recorded in the plat book records in the office of the clerk of the superior court of the county or counties wherein the real property is located. The commission shall index and affix both the commission's stamp and the assigned real property inventory number on the original of the conveyance and all copies of the plat. The State Properties Commission shall then cause the conveyance to be duplicated. The duplicate of the conveyance and two copies of the plat shall be retained by the State Properties Commission as a part of the permanent real property inventory records kept by such commission. The original of the conveyance and a copy of the plat shall be delivered to the purchaser of the real property. Upon receiving the original of the conveyance and a copy of the plat, the purchaser of the real property may then have the original of the conveyance and, if necessary and eligible for recording, the copy of the plat recorded in the office of the clerk of the superior court of the county or counties wherein the real property is located.

(B) The General Assembly may vary or authorize the variance of the requirements of subparagraph (A) of this paragraph in any enactment, including an Act or Resolution Act, authorizing or directing a disposition of real property; and

(4) When real property is conveyed by an Act or Resolution Act of the General Assembly, the State Properties Commission shall obtain from the office of the Secretary of State a certified copy of the Act or Resolution Act and retain the same as a part of the permanent real property inventory records kept by such commission. As a part of such retention, the State Properties Commission shall index and affix both the commission's

stamp and the assigned real property inventory number on the certified copy of the Act or Resolution Act.

(c) The documents which are required to be maintained by the State Properties Commission as a part of the permanent real property inventory records kept by such commission, as provided by paragraphs (2) through (5) of subsection (b) of this Code section, shall be used by the State Properties Commission in such manner as it shall determine best in maintaining the real property inventory.

50-16-123.

A copy of all conveyances for the acquisition and disposition of real property held or owned by any state entity shall be filed with the State Properties Commission within 30 days after the conveyance in an acquisition has been recorded in the office of the clerk of the superior court in the county in which the land is located and within 30 days after the conveyance in a disposition has been dated, executed, and delivered. When real property is acquired by condemnation by any state entity, a certified copy of the court order vesting title in such state entity shall be filed with the State Properties Commission within 30 days after the date of the court order.

50-16-124.

Beginning July 1, 2005, each state entity shall compile information on all state facilities, real property, and state leases under the custody or control of such state entity necessary for the compilation of an inventory of all state owned or leased facilities and real property; provided, however, that all improvements acquired for public works that will ultimately be disposed of are excluded from the requirements of this part. On or before October 1, 2005, and as changes occur, but by no later than such date annually, each state entity shall send such information to the commission. The commission shall develop the format for the compilation and reporting of the inventory.

50-16-125

The State Properties Commission is authorized and directed to promulgate such rules and regulations as may be necessary to carry out this part, provided such rules and regulations are not in conflict with this part.

SECTION 16.

Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations, is amended by striking Code Section 34-8-90, relating to authority of the Commissioner of Labor to lease property, and inserting in its place a new Code Section 34-8-90 to read as follows:

34-8-90.

Reserved.

SECTION 16A.

Code Section 50-16-43 of the Official Code of Georgia Annotated, relating to leasing of state owned lands, is amended by striking paragraph (1) of subsection (j) and inserting in its place a new paragraph (1) to read as follows:

“(1) A written request for a lease and a locational, dimensional, and directional sketch or a plat of survey of the proposed lease premises, prepared at the sole cost and expense of the person requesting the lease, in form and content acceptable to and approved by the commission, and showing and describing thereon the lease premises of the lease, must be received by the commission detailing therein the reason and all the particulars for the request and outlining the purpose and use to be made of any and all products derived from such dredging. If a sketch is submitted to and is approved and accepted by the commission, paragraph (3) of subsection (b) of Code Section 50-16-122, relating to the requirement of the filing with the Secretary of State of a plat of survey with a conveyance disposing of real property, shall be relaxed; and the Secretary of State in such a transaction shall accept in lieu of the required plat of survey the sketch which was approved and accepted by the commission;”

SECTION 17.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 18.

All laws and parts of laws in conflict with this Act are repealed.